

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

6 February 2006

WILLIAM M. & ORLYNN S. GRAY
PO BOX 583
MILFORD UT 84751

MICHAEL D. YARDLEY
PO BOX 981
MILFORD UT 84751

RE: **NOTICE OF AGENCY ACTION / SEAA 1092**
WATER RIGHTS 71-102 & 71-1897

Water Users:

On 20 February 2003, the Division of Water Rights ("the State Engineer") initiated the referenced agency action and sent to William M. Gray an Order of the State Engineer requiring the cessation of all irrigation of acreage in excess of that allowed under the referenced rights.

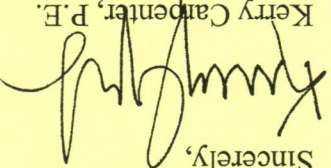
Pursuant to a failure to achieve compliance with the requirements of the Order, the State Engineer issued a Notice of Agency Action on 07 January 2005 in which it was again alleged that acreage was being irrigated in excess of that allowed under the listed rights.

Mr. Gray responded in a letter dated 15 January 2005 wherein it was stated that the land was being sold to Michael Yardley and, lacking a successful sale, the irrigated acreage would be reduced in an amount sufficient to achieve compliance.

It has subsequently been reported to the State Engineer and verified by the Regional Engineer that the subject acreage and water rights were evidently acquired by Mr. Yardley who conducted the operation for the 2005 irrigation season. Although it appears Mr. Yardley does likely have sufficient rights to provide for the acreage in question, due to a reported delay in accomplishing the transfer of legal title, Mr. Yardley did not file the required application(s) to obtain authorization for irrigation of the excess acreage. It is reported that Mr. Yardley does understand that in all future years, he must take measures to limit the acreage irrigated under the referenced rights to no more than **34.60 acres**. If any additional acreage is to be irrigated, valid rights must be authorized by the filing of applications with the State Engineer and receiving approval of those applications.

Therefore, the subject agency action with Mr. Gray can be formally concluded. Your efforts to comply with the order are commended and appreciated. Any further enforcement action in this regard will be initiated with the owner of record at the time such action may be deemed necessary.

Please be aware that maintenance of the necessary arrangements to provide sufficient rights for the irrigated acreage remains the responsibility of the owner of the irrigated property. You should consult regularly with Distribution Commissioner LaVar Davis or with the Southwestern Region Office of the Division of Water Rights in Cedar City to assure the required arrangements have been completed *prior to the commencement of the irrigation season.*

Sincerely,

Kerry Carpenter, P.E.
Enforcement Engineer

cc: G. Kurt Vest, P.E. / Southwestern Regional Engineer
LaVar Davis / Distribution Commissioner / PO Box 483 / MILFORD UT 84751
File: SEAA 1092
Encl: None